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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/739,038	12/18/2000	Rene Baltus	21712	2958
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535 7590 02/28/2005

THE FIRM OF KARL F ROSS  
 5676 RIVERDALE AVENUE  
 PO BOX 900  
 RIVERDALE (BRONX), NY 10471-0900

EXAMINER
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PRIZIO JR, PETER

ART UNIT	PAPER NUMBER
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2674

DATE MAILED: 02/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/739,038

Applicant(s)

BALTUS ET AL.

Examiner

Peter Prizio

Art Unit

2674

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 April 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

## DETAILED ACTION

### *Priority*

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. **Claims 1 – 3, 5, 8 and 10** are rejected under 35 U.S.C. 102(b) as being anticipate by US Patent 4,493,689 to Siefer et al. (Siefer).
4. Regarding claim 1, Siefer (Fig. 5) teaches a writing tablet for providing an input to a computer (column 2, lines 29 – 30), comprising: a paper-support surface (55 with column 1, lines 11 – 14) for receiving a document and formed with a script input surface forming at least part of said support surface and overlain by said document at a region thereof receiving a handwritten inscription (column 1, lines 11 – 14, "tracing") for producing said input when a writing tool handwrites said region over said script input surface; and means including at least one light source (20) and forming at least one illumination field transilluminating said document and marking out by illumination said script input surface (the entire surface is the illumination field, column 4, lines 65+).

5. Regarding claim 2, Siefer, as applied to claim 1 above, further teaches said illumination field is in said script input surface (24, column 4, lines 64+).
6. Regarding claim 3, Siefer, as applied to claim 1 above, further teaches, said illumination field is below said script input surface (as can be seen from figure 5, the lamps are mounted below the surface).
7. Regarding claim 5, Siefer, as applied to claim 1 above, further teaches said illumination field is a punctiform field (shield is comprises of a sheet of aluminum with holes, column 3, lines 56+).
8. Regarding claim 8, Siefer, as applied to claim 1 above, further teaches said illumination field extends at least along one edge of said script input surface (as can be seen from the configuration of the lamps in Fig. 3, lamps are provided on each edge of the illumination field).
9. Regarding claim 10, Siefer, as applied to claim 1 above, further teaches said illumination field is formed by light passing through a gap between said script input surface and a part of said support surface neighboring same (shield is comprises of a sheet of aluminum with holes, column 3, lines 56+).

***Claim Rejections - 35 USC § 103***

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. **Claims 4, 6, 7, 9 and 11 – 13** are rejected under 35 U.S.C. 103(a) as being unpatentable over Siefer in view of US Patent 5,356,155 to Helser.

12. Regarding claim 4, Siefer fails to show said illumination field is laterally of said script input surface, however, Helser teaches an illumination field that is laterally positioned to said script input surface (Fig. 2, illumination source 29 is laterally adjacent to said scrip input surface, 24).

13. Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the illumination system as taught by Siefer with the illumination system as taught by Helser for the benefit of providing a back-light type of illumination where the digitizer is too opaque to be back-lit that employs fewer lamps (column 3, lien 61 – column 4, line 65).

14. Regarding claim 6, Helser further teaches said illumination field is a linear field (Fig. 9, the light source is provided only on one side in a line).

15. Regarding claim 7, Helser further teaches the said illumination field is a laminar field (Fig. 2, the light will be laminar to the digitizing surface, 31, via the light conductor, 24).

16. Regarding claim 9, Helser further teaches said illumination field forms a frame around said script input surface (Fig. 12, the lamps are framed around the panel).

17. Regarding claim 11, Helser further suggests said illumination field is formed by light marking out at least two corners of said script input surface (Fig. 12 shows lamps 82 and 83 make out one corner and lamps 81 and 80 make out the other corner of the illumination field).

18. Regarding claim 12, Helser further teaches said illumination field is formed over an area of said script input surface (the light conductor, 24, is formed over an area of script input surface, 22).

19. Regarding claim 13, Helser further teaches said illumination field is formed over an area of said support surface surrounding said script input surface (Fig. 9, the lamps produce illumination that is spread over the script input surface, 22, and is formed in an area surrounding, 52, surrounding the script input surface).

20. **Claims 14 and 15** are rejected under 35 U.S.C. 103(a) as being unpatentable over Siefer in view of US Patent 5,627,349 to Shetye et al. (Shetye).

21. Regarding claim 14, Siefer fails to give specifics to the functionality of the digitizer and is directed to the backlighting of the digitizer. However, Shetye teaches a digitizer is activated at a time when a writing tool handwrites said region over said script input surface (column 7, lines 12 – 34).

22. Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to control the digitizer and backlight as taught by Siefer with the automatic stand-by that is activated by the stylus as taught by Shetye for the benefit of power conservation.

23. Regarding claim 15, Shetye, as applied to claim 14 above, further teaches wherein the handwriting in said region is a signature (column 6, lines 60+).

***Conclusion***

24. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following publications have been included to further show digitizers with templates, specific forms and form entries, backlights and surface lights:

- a. US Patent Application Publication 2002/0088651 to Carini et al.
- b. US Patent 6,414,674 to Kamper et al.
- c. US Patent 6,144,371 to Clary et al.
- d. US Patent 5,838,819 to Ruedisueli et al.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Peter Prizio whose telephone number is (703) 305-5712. The examiner can normally be reached on Monday-Friday (7:30-5:00), alternating Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patrick Edouard can be reached on (703) 308-6725. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2674

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Peter Prizio  
Examiner  
Art Unit 2674

Prizio  
February 24, 2005

PP

*Henry N. Tran*

HENRY N. TRAN  
PRIMARY EXAMINER